

Sr. No. 114

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-5906-2022 (O&M)

Date of decision: 23.03.2022

Ajay Kumar

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ashish Naik, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of certiorari to quash transfer order dated 09.03.2022 (Annexure P-7) vide which he has been transferred from Rohtak to Ambala.

2. Learned counsel for the petitioner submits that petitioner is fully conscious that being a Government servant, he can be transferred but the same ought to have been done in accordance with the transfer policy. He submits that petitioner submitted an application before respondent No.2 for removal of his name from transfer drive orders and his name was recommended. He submits that similarly, SDO, AH&D, Rohtak made recommendations to respondent No.3 for cancellation of his transfer as he has not completed the prescribed tenure of 5 years. As per applicable policy, station options were also not filled by the petitioner. Even otherwise, respondent No.3 also made recommendations to respondent No.2/Director General for cancellation of transfer of the petitioner taking sympathetic view on the basis of comments of SDO, AH&D, Rohtak. He submits that even after submitting detailed representation by the petitioner and

recommendations of the official respondents No.3 & 5 and SDO (AH&D), Rohtak, his transfer order has not been cancelled. Hence, the writ petition.

3. On advance service, learned State counsel joins proceedings and opposes issuance of notice of motion.

4. I have heard learned counsel for the petitioner and gone through the case file.

5. Transfer being matter of administrative exigency, this Court generally refrains to interfere and treads cautiously, unless it is a case of extreme hardship. The case in hand does not seem to be such so as to deserve any indulgence. Moreover, to transfer an official, or not to, is sole discretion of the employer based on the administrative exigencies. Not doing or doing so is not a punishment, but an integral part of service conditions.

6. No grounds to interfere are made out. However, petition is disposed of with liberty to the petitioner to pursue his pending representation and the competent authority may look into the same in case administrative exigency so warrants, given that there are recommendations of the superiors in favour of the petitioner.

23.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No